



WARRANT

THE COMMONWEALTH OF MASSACHUSETTS TOWN OF BROOKLINE ANNUAL TOWN MEETING

Norfolk, ss

To Any Constable of the Town of Brookline

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to NOTIFY and WARN the Inhabitants of the TOWN OF BROOKLINE, qualified to vote at elections to meet at the High School Auditorium in said Brookline on TUESDAY, the TWENTY-SIXTH day of MAY, 2015 at 7:00 o'clock in the evening for the Annual Town Meeting at which time and place the following articles are to be acted upon and determined by the representative town meeting:

ARTICLE 1

Submitted by: Board of Selectmen

To see if the Town will establish that the number of Measurers of Wood and Bark be two, to be appointed by the Selectmen, or act on anything relative thereto.

ARTICLE 2

Submitted by: Human Resources

To see if the Town will raise and appropriate, or appropriate from available funds, a sum or sums of money to fund the cost items in collective bargaining agreements between the Town and various employee unions; fund wage and salary increases for employees not included in the collective bargaining agreements; and amend the Classification and Pay Plans of the Town; or act on anything relative thereto.

ARTICLE 3

Submitted by: Treasurer/Collector

To see if the Town will authorize the Town Treasurer, with the approval of the Selectmen, to enter into Compensating Balance Agreement(s) for FY2016 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

ARTICLE 4

Submitted by: Board of Selectmen

To see if the Town will authorize the Comptroller to close out either all or a portion of the unexpended balances in certain Special Appropriations and return said sums to the Surplus Revenue accounts; and rescind the unused portion of prior borrowing authorizations, or act on anything relative thereto.

- 1) Special Appropriation Closeouts
- 2) Rescind the bond authorization for improvements to the John D. Runkle School, authorized as Item #58 of Section 3 of Article 4 of the 2009 Special Town Meeting, in the amount of \$662,087.
- 3) Rescind the bond authorization for improvements to the Heath School, authorized as Item #68 of Section 13 of Article 9 of the 2011 Annual Town Meeting, in the amount of \$388,366.

ARTICLE 5

Submitted by: Board of Selectmen

To see if the Town will, in accordance with General Laws, Chapter 44, Section 64, authorize the payment of one or more of the bills of the previous years, which may be legally unenforceable due to the insufficiency of the appropriations therefore, and appropriate from available funds, a sum or sums of money therefore, or act on anything relative thereto.

ARTICLE 6

Submitted by: Board of Assessors

To see if the Town will elect to establish an additional property tax exemption for fiscal year 2016 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended, or act on anything relative thereto.

ARTICLE 7

Submitted by: Board of Selectmen

To see if the Town will:

- A. Raise and appropriate or appropriate from available funds additional funds to the various accounts in the fiscal year 2015 budget or transfer funds between said accounts;
- B. And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; and authorize the Board of Selectmen, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid.

or act on anything relative thereto.

ARTICLE 8

Submitted by: Advisory Committee

To see if the Town will:

- A. Fiscal Year 2016 Budget

Appropriate the sums, or any other sum or sums, requested or proposed by the Selectmen or by any other officer, board or committee, for the fiscal year 2016 budget, including without limiting the foregoing, all town expenses and purposes, debt and interest, out of state travel, operating expenses, and fix the salaries of all elected officers as provided for in General Laws, Chapter 41, Section 108; authorize the leasing, leasing with the option to purchase, or installment purchase of equipment; stabilization fund as provided for in General Laws Chapter 40, Section 5B; authorize the continuation of all revolving funds in accordance with G.L. Chapter 44, Section 53E½, and all Enterprise Funds in accordance with G.L. Chapter 44, Section 53F½, and as otherwise authorized; and provide for a reserve fund.

- B. Fiscal Year 2016 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$270,000, or any other sum, to be expended under the direction of the Chief Information Officer, with any necessary contracts to be approved by the Board of Selectmen, for the enhancement of town-wide hardware and software.
- 2.) Appropriate \$200,000, or any other sum, to be expended under the direction of the Chief Information Officer, with any necessary contracts to be approved by the Board of Selectmen, for data room upgrades.

- 3.) Appropriate \$25,000, or any other sum, to be expended under the direction of the Chief Procurement Officer, with the approval of the Board of Selectmen, for town furniture upgrades.
- 4.) Appropriate \$125,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen for maintenance of town garage floors.
- 5.) Appropriate \$75,000, or any other sum, to be expended under the direction of the Department of Planning and Community Development, with any necessary contracts to be approved by the Board of Selectmen, for a strategic asset plan to focus on public facilities.
- 6.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Department of Planning and Community Development, with any necessary contracts to be approved by the Board of Selectmen, for the development of a conceptual study for the Center Street East Parking Lot and surrounding area.
- 7.) Appropriate \$75,000, or any other sum, to be expended under the direction of the Chiefs of Police and Fire, with any necessary contracts to be approved by the Board of Selectmen, for study of the future needs for the public safety computer aided dispatch (CAD) system.
- 8.) Appropriate \$300,000, or any other sum, to be expended under the direction of the Fire Chief, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of Fire Department apparatus.
- 9.) Appropriate \$31,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for traffic calming studies and improvements; provided that the Department of Public Works and Transportation Board provide status reports to the Board of Selectmen on a semi-annual basis.
- 10.) Appropriate \$105,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for bicycle access improvements.
- 11.) Appropriate \$1,590,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of streets.
- 12.) Appropriate \$297,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of sidewalks.

- 13.) Appropriate \$220,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the conversion of Town-owned streetlights to LED's.
- 14.) Appropriate \$650,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for renovations to the Municipal Service Center (MSC).
- 15.) Appropriate \$890,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the renovation of Brookline Avenue Playground.
- 16.) Appropriate \$40,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the design of the renovation of Corey Hill Playground.
- 17.) Appropriate \$60,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the design of the renovation of Emerson Garden Playground.
- 18.) Appropriate \$250,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen, for the restoration of the Brookline Reservoir Gatehouse roof.
- 19.) Appropriate \$230,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the rehabilitation of tennis courts and basketball courts.
- 20.) Appropriate \$300,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the renovation of playground equipment, fields, and fencing.
- 21.) Appropriate \$90,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of Town and School grounds.
- 22.) Appropriate \$225,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Tree Planting Committee, for the removal and replacement of trees.

- 23.) Appropriate from the Sale of Lots special revenue fund (SW01) \$50,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Cemetery Trustees, for the rehabilitation of roadways within Walnut Hills Cemetery.
- 24.) Appropriate \$675,000, or any other sum, to be expended under the direction of the Recreation Director, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission for pool repointing and locker room renovations at the Evelyn Kirrane Aquatics Center.
- 25.) Appropriate \$70,000, or any other sum, to be expended under the direction of the Chief Procurement Officer, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for school furniture upgrades.
- 26.) Appropriate \$80,000, or any other sum, to be expended under the direction of the Chief Information Officer, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for costs associated with mobile carts in the Brookline Public Schools.
- 27.) Appropriate \$70,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for ADA renovations to Town and School facilities.
- 28.) Appropriate \$275,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for improvements to elevators in Town and School facilities.
- 29.) Appropriate \$165,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for energy conservation projects in Town and School facilities.
- 30.) Appropriate \$185,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for upgrades to energy management systems in Town and School facilities.
- 31.) Appropriate \$195,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for improvements to life safety systems and building security in Town and School facilities.

- 32.) Appropriate \$2,250,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for the expansion of classroom capacity in various schools.
- 33.) Appropriate \$980,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the renovation of Pierce Playground.
- 34.) Appropriate \$3,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for wastewater system improvements.
- 35.) Appropriate \$1,000,000, or any other sum, to be expended under the direction of the Recreation Director, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission for golf course improvements.
- 36.) Appropriate \$1,550,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for building envelope / fenestration repairs to Town and School facilities.
- 37.) Appropriate \$1,200,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for roof repairs and replacements in Town and School facilities.
- 38.) Appropriate \$1,000,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for remodeling, reconstructing, or making extraordinary repairs to the Old Lincoln School.
- 39.) To see if the Town will vote to appropriate, borrow or transfer from available funds, \$118,400,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee for the renovation of and the construction of additions to the Edward Devotion School located at 345 Harvard Street in the Town of Brookline, Massachusetts and as further described as Parcel ID No. 048-13-00 in the Town of Brookline Assessor's map, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA and any project costs the Town incurs in excess of any grant that may be approved by and received from

the MSBA shall be the sole responsibility of the Town. Any grant that the Town of Brookline may receive from the MSBA for the Project shall not exceed the lesser of (1) 35.84% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA;

C.) Funding

And determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing, and authorize the leasing, leasing with an option to purchase, or the installment purchase of any equipment or any capital items; and authorize the Board of Selectmen, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants, gifts, reimbursements, and aid from both federal, state, and other sources and agencies for any of the purposes noted in this Article, or act on anything relative thereto.

ARTICLE 9

Submitted by: Ernest Frey

To see if the Town will amend the Town by-laws by revising Section 2.1.10, extending At Large Town Meeting Membership to Brookline residents who are Elective Constitutional Officeholders of the Commonwealth of Massachusetts and to those Brookline residents elected to represent Brookline citizens in the Federal Government of the United States.

SECTION 2.1.10 TOWN MEETING MEMBERS AT LARGE

Pursuant to the authority contained in ~~Section 5 of Chapter 43A of the General Laws (Ter. Ed.) G.L. c. 43A, s. 5,~~ the following officers are designated as Town meeting members at large: (1) the members, inhabitants of the Town, who are the elected representatives of the Town in the General Court of the Commonwealth of Massachusetts, **elected members of the United States House of Representatives or United States Senate, or elected constitutional officers of the Commonwealth of Massachusetts as defined in G.L. c. 32, s. 1,** (2) the ~~m~~Moderator, (3) the ~~t~~Town ~~e~~Clerk, and (4) the Board of Selectmen.

or act on anything relative thereto.

ARTICLE 10

Submitted by: Recreation Department

To see if the Town will amend the General By-laws, Article 4.8, Living Wage, as follows (additions appear in underlined bold text, and deletions appear in stricken bold text):

ARTICLE 4.8
LIVING WAGE

SECTION 4.8.2

LIVING WAGE

- (a) The town of Brookline (“town”) shall pay each of its employees no less than \$10.30 an hour except as provided in Section 4.8.5 and in collective bargaining agreements with the town under G.L. c. 150E, section 7.
- (b) The wage prescribed in paragraph (a) of this Section 4.8.2 shall be known as the “living wage” and shall be adjusted annually by the same percentage and on the same schedule relative to wage adjustments given to full-time, nonunion town employees on the town’s general pay schedule, beginning in the year 2003.
- (c) The living wage shall also be adjusted annually at the time of and after the adjustment set forth in paragraph (b) of this Section 4.8.2 if necessary to insure that as so adjusted, it is at least one dollar more than the state minimum wage in effect under G.L. c.151 at the time of such adjustment.

SECTION 4.8.3

MINIMUM WAGE

The compensation of employees exempted from the living wage under paragraphs (a), (b), (c) and (d) of Section 4.8.5 shall be adjusted annually at the same time as the adjustment referred to in paragraph (b) of Section 4.8.2 if necessary to insure that the hourly wage is at least ~~one dollar more than~~ the state minimum wage in effect under G.L. c.151 at the time of such adjustment.

SECTION 4.8.5

EXCEPTIONS

The town shall not be required to pay the living wage to the following persons:

- (a) seasonal **or temporary** employees who work less than six **consecutive** months in **any twelve-month cycle in a fiscal year in a given position.**
- (b) employees participating in a work-study or cooperative educational program;
- (c) employees whose positions are funded, in full or in part, by Community Development Block Grant or State Elder Services Grant monies;
- (d) town library Junior Library Pages;
- (e) Putterham Meadows Golf Course rangers;
- (f) **town junior, part-time positions funded by a Recreation revolving fund, specifically, Jr. Swim Coach, Jr. Swim Instructor, Jr. Lifeguard, Jr. Skate Guard, Jr. Referee, Jr. Assistant Recreation Leader, Jr. Camp Counselor, Jr. Camp Instructor, Jr. Skate Concessions;**
- (g) volunteers and all persons appointed or elected to town committees;

(h) elected officers of the town.

SECTION 4.8.6

a. Definitions:

In construing SECTION 4.8.6, the following words shall have the meanings herein given, unless a contrary intention clearly applies.

Covered employer means anyone who has been awarded a service contract or subcontract with the Town after the effective date of the By-law.

Covered Employee means any employee who performs direct services for the purpose of fulfilling the covered employer's contractual obligations, provided however, employees who perform services that are incidental to the execution of the contract are not covered employees.

Person means one or more of the following or their agents, employees, servants, representatives, and legal representatives: individuals, corporations, partnerships, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries, and all other entities recognized at law by this commonwealth,

Seasonal employee means an employee who has been hired for a certified seasonal position, as defined by the Department of Unemployment Assistance and M.G.L. c. 151A, sec. 1 (bb).

Services means the furnishing of labor, time, or effort by a contractor and/or covered employer.

Service contract means a contract for services awarded to a vendor by the town for no less than the following amounts: (i) \$25,000.00 for contracts commencing in fiscal year 2006, (ii) \$10,000.00 for contracts commencing in fiscal year 2007 (iii) \$5,000.00 for contracts commencing in fiscal year 2008 and thereafter. Any bids opened prior to fiscal year 2006 shall not be subject to this article.

Temporary employee means an individual who works for the Town of Brookline on either a full or part time basis; whose employment is explicitly temporary in nature and does not exceed six consecutive months of service in a given position.

Or an act on anything relative thereto.

ARTICLE 11

Submitted by: Preservation Commission

PROPOSED ARTICLE TO ESTABLISH A CROWNINSHIELD LOCAL HISTORIC DISTRICT

To see if the Town will amend Article 5.6 of the Town's By-laws, entitled Preservation Commission & Historic Districts By-law, in the following manner:

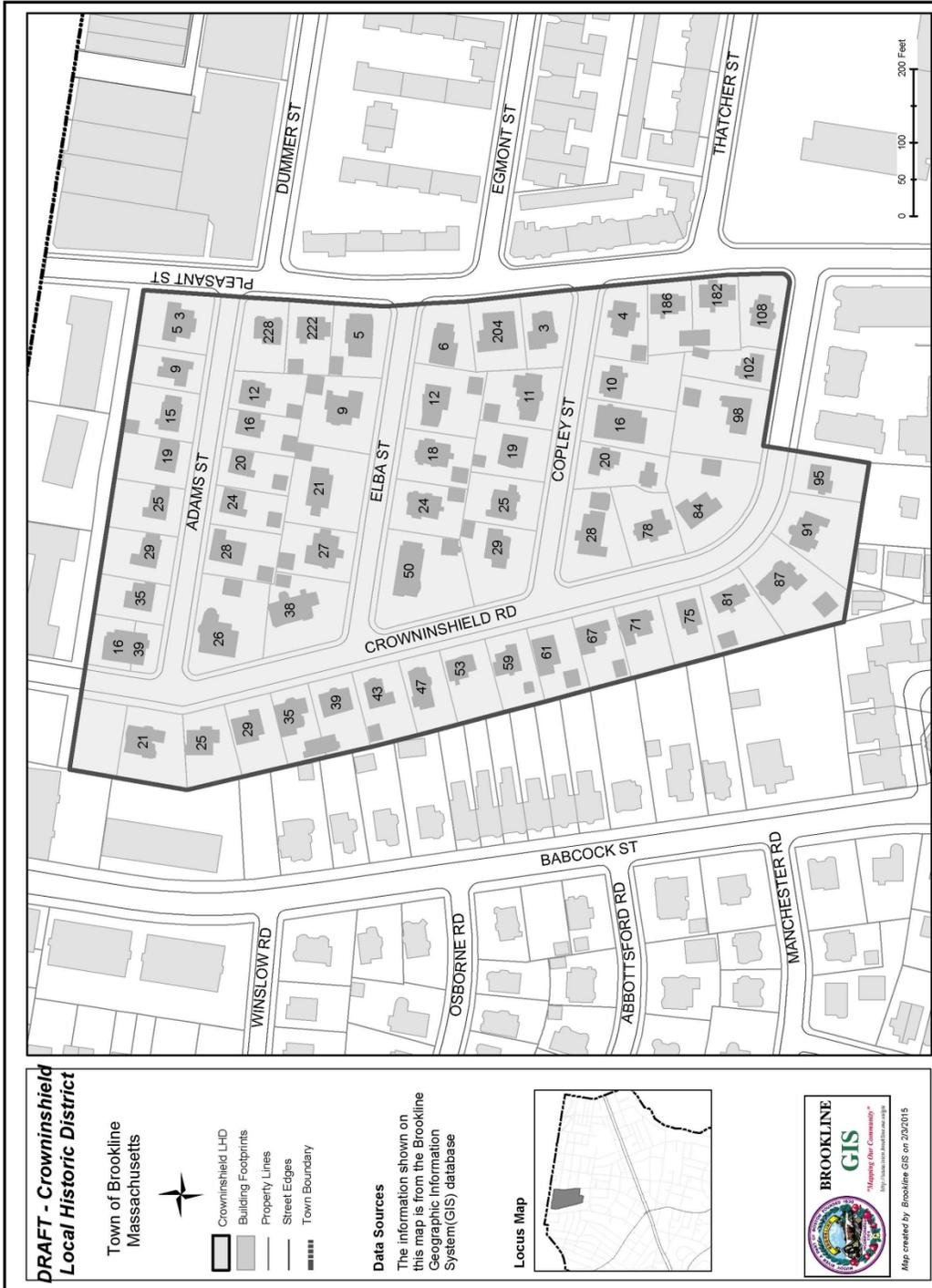
By deleting Section 5.6.3. (h) and substituting new sections 3 (h) and 3 (i) therefore:

“(h) Crowninshield Local Historic District

There is hereby established an Historic District, to be entitled the ‘Crowninshield Local Historic District,’ the boundaries of which shall be shown on the map entitled ‘ Crowninshield Local Historic District,’ a copy of which is on file with the Town Clerk's office, which accompanies and is hereby declared to be part of this By-law.

i. Other Historic Districts

Other Historic Districts within the Town may be established from time to time in accordance with the procedures set forth in Chapter 40C of the Massachusetts General Laws, as amended from time to time."



or act on anything relative thereto.

ARTICLE 12

Submitted by: Board of Selectmen

To see if the Town will amend Articles 7.7, 10.2 and 10.3 of the Town’s General By-Laws as follows (new language is in bold and underlined and deleted language is stricken):

ARTICLE 7.7
REMOVAL OF SNOW AND ICE FROM SIDEWALKS

SECTION 7.7.1 BUSINESS AND INDUSTRIAL DISTRICTS

In all Business and Industrial Districts, as defined and delineated in the Zoning By-law, the owner, or his/her agent, of any land abutting upon or contiguous to a sidewalk of a street shall cause said sidewalk to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within the first three hours between sunrise and sunset after such snow and ice has come upon such sidewalk **as determined and posted on the Town's Internet home page by the Commissioner of Public Works**, and shall maintain said portion of sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose. **Depending upon the severity of a storm and other factors, the Commissioner of Public Works may delay the period for compliance of this by-law. In the event of initiating a compliance delay, the Commissioner of Public Works shall post a notice prominently on the Town of Brookline's Internet home page and make other good faith efforts to notify the public including, but not limited to, social media outlets, the cable access television station, e-mail list serves and the emergency telephone notification system.**

SECTION 7.7.2 MULTI-FAMILY DWELLINGS

The owner, or his/her agent, of any building designed or occupied as a residence by more than four families or which contains more than four dwelling units, as defined in the Zoning By-law, shall cause all sidewalks of a street which are contiguous to the land upon which the building is situated to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within the first three hours between sunrise and sunset after such snow and ice has come upon such sidewalk **as determined and posted on the Town's Internet home page by the Commissioner of Public Works**, and shall maintain said portion of sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose. **Depending upon the severity of a storm and other factors, the Commissioner of Public Works may delay the period for compliance of this by-law. In the event of initiating a compliance delay, the Commissioner of Public Works shall post a notice prominently on the Town of Brookline's Internet home page and make other good faith efforts to notify the public including, but not limited to, social media outlets, the cable access television station, e-mail list serves and the emergency telephone notification system.**

SECTION 7.7.3 GENERAL REQUIREMENT

Except as set forth in Subsections ~~(a)~~**7.7.1** and ~~(b)~~**7.7.2** above, the owner, or his/her agent, of any land abutting upon or contiguous to a sidewalk of a street shall cause said sidewalk to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within thirty (30) hours of the cessation of each storm that results in the accumulation of snow and/or ice on such sidewalk, **as determined and posted on**

the Town's Internet home page by the Commissioner of Public Works, and shall maintain said portion of sidewalk in a non-slippery condition by application(s) of sand and or melting agents as may be necessary for this purpose. Depending upon the severity of a storm and other factors, the Commissioner of Public Works may delay the period for compliance of this by-law. In the event of initiating a compliance delay, the Commissioner of Public Works shall post a notice prominently on the Town of Brookline's Internet home page and make other good faith efforts to notify the public including, but not limited to, social media outlets, the cable access television station, e-mail list serves and the emergency telephone notification system. The Commissioner of Public Works, or his/her designee, may grant a waiver from the terms of this Section 7.7.3 for good cause.

SECTION 7.7.4 NO ICE AND SNOW TO BE PLACED ON STREET

No person, **contractor, agent, business or owner,** unless authorized by the Commissioner of Public Works, shall place or cause to be placed ice or snow upon any street of the Town. Without limiting the generality of the foregoing, no person, unless authorized by the Commissioner of Public Works, shall place or cause to be placed ice or snow upon any sidewalk of the Town.

SECTION 7.7.5 PENALTIES

~~The violation of~~**Any person or entity who violates** any provision of Sections, **condition, or requirement of Section 7.7.1 and/or 7.7.2** of this Article 7.7 shall be punishable by a fine not exceeding One Hundred (~~\$~~**liable to the Town in the amount of \$100.**) Dollars ~~.00~~ for each offense. ~~In any fiscal year, the first violation, \$150.00 for the second violation, and \$200.00 for each subsequent violation. Any person or entity who violates any provision, condition, or requirement of any provision of~~ ~~ARTICLE~~**Section 7.7.3 of this Article 7.7** shall be noted with a Warning. ~~The second-~~ **liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation, in** ~~any fiscal year,~~**Any person or entity who violates any provision, condition, or requirement of said** ~~Section 7.7.4 of this Article 7.37~~ shall be punishable by a fine not exceeding Twenty-Five (~~\$25.00~~) Dollars for **liable to the Town in the amount of \$250.00 for each violation. Each day that a violation exists shall be considered a separate and distinct violation.**

SECTION 7.7.6 MANNER OF ENFORCEMENT AND ANNUAL REPORT

It is the goal of this By-Law to ensure safe travel on the sidewalks of the Town during winter weather conditions. To this end, the Town shall make good faith efforts to notify the public of their responsibilities under this By-Law. Based on certain factors including, but not limited to, weather conditions, ability to travel and park on the public ways and past performance, authorized enforcement officers of the Town may use discretion when levying financial penalties under this By-Law, including the issuance of warnings. Enforcing departments may hold ticket appeal hearings. Hearing decisions must be in writing.

The Board of Selectmen shall include in the Annual Report of the Town a summary of the Town's efforts and results during the past year in implementing Sections 7.7.1, 7.7.2,

and 7.7.3, including, but not limited to, public education, enforcement and assistance to owners.

ARTICLE 10.2
PROSECUTIONS AND ENFORCEMENT

The provisions in Parts V, VI, VII and VIII of the by-laws of the Town of Brookline shall be enforced and violations prosecuted by any police officer of the town. In addition, enforcement and prosecution of the following by-laws and articles shall be by the following department head or his or her designees:

<u>DEPARTMENT HEAD</u>		<u>ARTICLE</u>
BUILDING COMMISSIONER		
Part V-Private Property	Articles	5.2, 5.3, 5.4, 5.6, 5.7, 5.8
Part VI-Public Property	Articles	6.1, 6.5, 6.9, 6.10
Part VII-Streets & Ways	Articles	7.3, 7.5, 7.7, 7.8, 7.9
Part VIII-Public Health & Safety	Articles	8.3, 8.6, 8.7, 8.8, 8.9, 8.11, 8.13, 8.14, 8.15, 8.16,
COMMISSIONER OF PUBLIC WORKS		
Part VI-Public Property	Articles	5.7, 6.1, 6.2, 6.3, 6.4, 6.5, 6.9
Part VII-Streets & Ways	Articles	7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11
Part VIII-Public Health & Safety	Articles	8.2, 8.8, 8.14, 8.15, 8.16, 8.18, 8.24, 8.25, 8.26
DIRECTOR OF HEALTH & HUMAN SERVICES		
Part V-Private Property	Articles	5.1, 5.2, 5.4, 5.5, 5.7
Part VI-Public Property	Articles	6.2, 6.6

Part VII-Streets & Ways	Articles	7.1, 7.5, 7.7
Part VIII-Public Health & Safety	Articles	8.1, 8.2, 8.3, 8.4, 8.6, 8.7, 8.8, 8.9, 8.10,8.11, 8.12,8.13, 8.14, 8.15, 8.16, 8.22, 8.23, 8.32
PRESERVATION COMMISSION		
Part V-Private Property	Articles	5.3, 5.6
HUMAN RELATIONS-YOUTH RESOURCES COMMISSION		
Part V-Private Property	Article	5.5

**ARTICLE 10.3
NON-CRIMINAL DISPOSITION**

A violation of any provision of these by-laws, the violation of which is subject to a specific penalty under Section 10.1 or in the specific provision which has been violated, except when otherwise provided by law, or any rule or regulation of any municipal officer, board or department may be dealt with as a non-criminal offense in accordance with the provisions of General Laws, Chapter 40, section 21d. If not subject to a specific penalty in the following table, each violation shall be subject to a specific penalty of fifty (\$50.00) dollars for each offense, unless a different penalty is provided in the specific by-law, rule or regulation provision being enforced. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense hereunder. Violations of this Article 10.3 may be enforced by any police officer of the town, by the department head or his or her designee as set forth with particular reference to specific articles in Article 10.2, above, and, when a violation involves a rule or regulation of any municipal officer, board or department, by that municipal officer or by that board or the head of that department, by his or her designee, and in all instances, in accordance with the requirements set forth in General Laws, Chapter 40, section 21d.

TABLE OF SPECIFIC PENALTIES UNDER ARTICLE 10.3

Article 5.1	<u>Alarm Systems</u>		
	Section 5.1.9	False Alarms	\$100.00
	Section 5.1.10	Penalties	\$100.00
Article 5.8	<u>Sign By-Law</u>		
	Section 5.8.9	Penalty For Violation	\$100.00

Article 6.2	<u>Alcoholic Beverages On Public Property</u>		
		Section 6.2.2	Penalty
		\$100.00	
Article 6.3	<u>Grass Borders</u>		\$ 75.00
Article 6.4	<u>Damage To Trees</u>		\$100.00
Article 6.5	<u>Defacing Public Grounds</u>		\$ 75.00
Article 6.6	<u>Discharging Firearms</u>		\$100.00
Article 7.1	<u>Alcoholic Beverages</u>		\$100.00
Article 7.3	<u>Construction In Streets</u>		
		Section 7.3.3	Penalty
		\$100.00	
Article 7.6	<u>Newsrack Regulation</u>		
		Section 7.6.5	Penalty
			\$ 25.00
Article 7.7	<u>Removal Of Snow And Ice From Sidewalks</u>		
		Section 7.7.5 Penalties	
		For Sections 7.7.1 & 7.7.2	\$100.00
		<u>First Violation</u>	<u>\$100.00</u>
		<u>Second Violation</u>	<u>\$150.00</u>
		<u>Third & Subsequent Violations</u>	<u>\$200.00</u>
		For Section 7.7.3	
		First Violation	<u>\$50.00</u> Warning
		Second & Subsequent Violations	<u>\$100.00</u> 25.00
		<u>For Section 7.7.4</u>	<u>\$250.00</u>
Article 7.8	<u>Removal Of Vehicles From Streets</u>		\$ 25.00
Article 7.9	<u>Snow Parking Ban</u>		\$100.00

Article 8.3	<u>Dwelling Houses Used In Common</u>	\$100.00
Article 8.5	<u>Disorderly Behavior</u>	
	Section 8.5.5 Specific Penalty	\$100.00
Article 8.6	<u>Dog Control</u>	
	Section 8.6.9 Penalty	
	First Violation	\$ 15.00
	Second & Third Violations	\$ 25.00
	Fourth & Subsequent Violations	\$ 50.00
Article 8.7	<u>Food Stores – Hours Of Operation</u>	\$ 50.00
Article 8.8	<u>Food Establishments Handling Of Refuse</u>	\$100.00
Article 8.9	<u>Toilet Facilities – Restaurants</u>	\$ 50.00
Article 8.23	<u>Tobacco Control</u>	
	Section 8.23.5 Violations & Penalties	
	For each violation under Article 8.23 –Three Hundred Dollars (\$300.00).	
Article 8.24	<u>Water Supply Emergencies</u>	
	Section 8.24.6 Penalties	
	First Violation	\$ 50.00
	Second & Subsequent Violations	\$100.00
Article 8.25	<u>Water System Backflow And Cross Connections</u>	
	Section 8.25.6 Enforcement	\$100.00

Article 8.26 Stormwater Management

First Violation	\$100.00
Second Violation	\$200.00
Third and Subsequent Violations	\$300.00

HEALTH DEPARTMENT REGULATIONS

Regulations Governing the Handling, Storage, Collection and Disposal of Waste

1. Violations and Penalties for Owners of Commercial Businesses, Corporations and Buildings Containing More Than Three Dwelling Units

First Violation	\$100.00
Second Violation	\$200.00
Third & Subsequent Violations	\$300.00

2. Violations and Penalties for Owners of Single, Two and Three Unit Dwellings

First Violation	\$20.00
Second Violation	\$35.00
Third & Subsequent Violations	\$50.00

Or Act on anything relative thereto

ARTICLE 13

Submitted by: Clint Richmond and Jane Gilman

To see if the Town will amend the Town's General By-laws by adding a new Article 8.34 and by amending Articles 10.2 and 10.3 as follows (All of the proposed language for Article 8.34 is new. For Articles 10.2 and 10.3, the proposed language is underlined and bolded to distinguish it from the existing language.):

ARTICLE 8.34 Drinking Water Access By-law

SECTION 8.34.1 Access to Tap Water

All indoor Common Victualer Licensees in the Town of Brookline shall be required to offer Town tap water to customers. Establishments may charge for this service item.

SECTION 8.34.2 PENALTIES AND ENFORCEMENT

(a) Each establishment as defined in Section 1, above, located in the Town of Brookline shall comply with this by-law.

(1) If the Director of the Brookline Department of Public Health determines that a violation has occurred, the Director (or designee) shall issue a warning notice to the licensee for the initial violation.

(2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the licensee.

(3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

A) \$50 for the first offense

B) \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through non-criminal disposition, as set forth in Article of 10.3 of the General By-Laws.

(4) No more than one penalty shall be imposed upon a licensee within a seven calendar day period.

(5) A licensee shall have twenty-one (21) calendar days after the date that a notice of violation is issued to pay the penalty.

SECTION 8.34.4

All of the requirements set forth in this by-law shall take effect January 1, 2016.

ARTICLE 10.2 PROSECUTIONS AND ENFORCEMENT

The provisions in Parts V, VI, VII and VIII of the by-laws of the Town of Brookline shall be enforced and violations prosecuted by any police officer of the town. In addition, enforcement and prosecution of the following by-laws and articles shall be by the following department head or his or her designees:

<u>DEPARTMENT HEAD</u>		<u>ARTICLE</u>
BUILDING COMMISSIONER		
Part V-Private Property	Articles	5.2, 5.3, 5.4, 5.6, 5.7, 5.8
Part VI-Public Property	Articles	6.1, 6.5, 6.9, 6.10
Part VII-Streets & Ways	Articles	7.3, 7.5, 7.7, 7.8, 7.9
Part VIII-Public Health & Safety	Articles	8.3, 8.6, 8.7, 8.8, 8.9, 8.11, 8.13, 8.14, 8.15,

		8.16,
COMMISSIONER OF PUBLIC WORKS		
Part VI-Public Property	Articles	5.7, 6.1, 6.2, 6.3, 6.4, 6.5, 6.9
Part VII-Streets & Ways	Articles	7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11
Part VIII-Public Health & Safety	Articles	8.2, 8.8, 8.14, 8.15, 8.16, 8.18, 8.24, 8.25, 8.26
DIRECTOR OF HEALTH & HUMAN SERVICES		
Part V-Private Property	Articles	5.1, 5.2, 5.4, 5.5, 5.7
Part VI-Public Property	Articles	6.2, 6.6
Part VII-Streets & Ways	Articles	7.1, 7.5
Part VIII-Public Health & Safety	Articles	8.1, 8.2, 8.3, 8.4, 8.6, 8.7, 8.8, 8.9, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.22, 8.23, 8.32, 8.34
PRESERVATION COMMISSION		
Part V-Private Property	Articles	5.3, 5.6
HUMAN RELATIONS-YOUTH RESOURCES COMMISSION		
Part V-Private Property	Article	5.5

**ARTICLE 10.3
NON-CRIMINAL DISPOSITION**

A violation of any provision of these by-laws, the violation of which is subject to a specific penalty under Section 10.1 or in the specific provision which has been violated, except when otherwise provided by law, or any rule or regulation of any municipal officer, board or department may be dealt with as a non-criminal offense in accordance with the provisions of General Laws, Chapter 40, section 21d. If not subject to a specific penalty in the following table, each violation shall be subject to a specific penalty of fifty (\$50.00) dollars for each offense, unless a different penalty is provided in the specific by-law, rule or regulation provision being enforced. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense hereunder. Violations of this Article 10.3 may be enforced by any police

officer of the town, by the department head or his or her designee as set forth with particular reference to specific articles in Article 10.2, above, and, when a violation involves a rule or regulation of any municipal officer, board or department, by that municipal officer or by that board or the head of that department, by his or her designee, and in all instances, in accordance with the requirements set forth in General Laws, Chapter 40, section 21d.

TABLE OF SPECIFIC PENALTIES UNDER ARTICLE 10.3

Article 5.1	<u>Alarm Systems</u>		
	Section 5.1.9	False Alarms	\$100.00
	Section 5.1.10	Penalties	\$100.00
Article 5.8	<u>Sign By-Law</u>		
	Section 5.8.9	Penalty For Violation	\$100.00
Article 6.2	<u>Alcoholic Beverages On Public Property</u>		
	Section 6.2.2	Penalty	\$100.00
Article 6.3	<u>Grass Borders</u>		\$ 75.00
Article 6.4	<u>Damage To Trees</u>		\$100.00
Article 6.5	<u>Defacing Public Grounds</u>		\$ 75.00
Article 6.6	<u>Discharging Firearms</u>		\$100.00
Article 7.1	<u>Alcoholic Beverages</u>		\$100.00
Article 7.3	<u>Construction In Streets</u>		
	Section 7.3.3	Penalty	\$100.00
Article 7.6	<u>Newsrack Regulation</u>		
	Section 7.6.5	Penalty	\$ 25.00
Article 7.7	<u>Removal Of Snow And Ice From Sidewalks</u>		
	Section 7.7.5	Penalties For Sections 7.7.1 & 7.7.2	\$100.00

	For Section 7.7.3	
	First Violation	Warning
	Second & Subsequent Violations	\$ 25.00
Article 7.8	<u>Removal Of Vehicles From Streets</u>	\$ 25.00
Article 7.9	<u>Snow Parking Ban</u>	\$100.00
Article 8.3	<u>Dwelling Houses Used In Common</u>	\$100.00
Article 8.5	<u>Disorderly Behavior</u>	
	Section 8.5.5 Specific Penalty	\$100.00
Article 8.6	<u>Dog Control</u>	
	Section 8.6.9 Penalty	
	First Violation	\$ 15.00
	Second & Third Violations	\$ 25.00
	Fourth & Subsequent Violations	\$ 50.00
Article 8.7	<u>Food Stores – Hours Of Operation</u>	\$ 50.00
Article 8.8	<u>Food Establishments Handling Of Refuse</u>	\$100.00
Article 8.9	<u>Toilet Facilities – Restaurants</u>	\$ 50.00
Article 8.23	<u>Tobacco Control</u>	

Section 8.23.5
Violations & Penalties

For each violation under Article 8.23 –Three Hundred Dollars (\$300.00).

Article 8.24 Water Supply Emergencies

Section 8.24.6
Penalties

First Violation	\$ 50.00
Second & Subsequent Violations	\$100.00

Article 8.25 Water System Backflow And Cross Connections

Section 8.25.6 Enforcement	\$100.00
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Article 8.26 Stormwater Management

First Violation	\$100.00
Second Violation	\$200.00
Third and Subsequent Violations	\$300.00

Article 8.34 Drinking Water Access By-Law

<u>Initial Violation</u>	<u>Warning</u>
<u>First Offense</u>	<u>\$50.00</u>
<u>Second and Subsequent Offenses</u>	<u>\$100.00</u>

HEALTH DEPARTMENT REGULATIONS

Regulations Governing the Handling, Storage, Collection and Disposal of Waste

1. Violations and Penalties for Owners of Commercial Businesses, Corporations and Buildings Containing More Than Three Dwelling Units

First Violation	\$100.00
Second Violation	\$200.00
Third & Subsequent Violations	\$300.00

2. Violations and Penalties for Owners of Single, Two and Three Unit Dwellings

First Violation	\$20.00
Second Violation	\$35.00
Third & Subsequent Violations	\$50.00

Or act on anything relative thereto.

ARTICLE 14

Submitted by: Clint Richmond and Jane Gilman

To see if the Town will amend the Town’s General By-laws by adding a new Article 8.35 and by amending Articles 10.2 and 10.3 as follows (All of the proposed language for Article 8.35 is new. For Articles 10.2 and 10.3, the proposed language is underlined and bolded to distinguish it from the existing language.):

ARTICLE 8.35 Bottled Water By-law

SECTION 8.35.1 Definitions

"Bottled Water" means non-sparkling, unflavored drinking water in a single-serving container with a volume of 1 liter or less that is made in whole or in part of plastic resin codes 1 through 6 (excluding the label or cap).

"Town Property" means real property, including any buildings thereon, owned or leased by the Town, and in the Town’s possession or in the possession of a public or private entity under contract with the Town to perform a public purpose, including but not limited to recreational and park purposes.

"Town Funds" means all monies or other assets received and managed by, or which are otherwise under the control of the Town’s Treasurer/Collector, and any notes, bonds, securities, certificates of indebtedness or other fiscal obligations issued by the Town.

"Town Street" means public ways owned by the Town including any area across, along, on, over, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, streets, and ways within the Town.

“Director”, means the Director of the Brookline Department of Public Health or the Director’s designee or successor.

"Event" means any gathering held on Town Property, including a Town Street, and subject to a Town event permit, where more than 100 people are expected to attend and/or participate.

"Participant Athletic Event" means an athletic event in which a group of people collectively walk, jog, run, or bicycle or otherwise participates in a sport on Town Property, including a Town Street.

SECTION 8.35.2 SALE OR DISTRIBUTION OF BOTTLED WATER ON TOWN PROPERTY RESTRICTED

(a) No person may sell or distribute Bottled Water at an Event held on Town Property, including a Town Street.

(b) No person may sell or distribute Bottled Water at an Event held outdoors on Town Property, including a Town Street, where access to reliable on-site potable water

connections adequate to meet the hydration needs of the Event participants or attendees is available. Departments that issue permits for Events on Town Property shall, at least ninety (90) days before the effective date of this Section 8.35 and in consultation with the Department of Health, determine which Town Property that is frequently used for Events have a reliable on-site supply of drinking water that may be used by Event sponsors.

(c) The provisions of this Section shall not apply to the sale or distribution of Bottled Water to participants in a Participant Athletic Event.

(d) The provisions of this Section shall not apply to Town Property where the general public is granted access to enter on such Town Property including a Town Street, without the requirement of a permit.

SECTION 8.35.3 NEW LEASES, PERMITS, AND AGREEMENTS; MOBILE FOOD VENDORS

(a) All leases, permits, occupancy agreements or other agreements awarded by the Town permitting any person or entity to use Town Property, including a Town Street, for purposes that contemplate or would allow the sale of beverages (collectively, "permits") shall specifically require that the permittee comply with the requirements of this by-law. This requirement shall also apply to any such permit renewed, extended, or materially amended after the effective date of this by-law.

(b) No Town officer or department shall issue a bid proposal or solicitation, request for bid or proposal, or contract for vendors or concessions to be operated on Town Property that requires or permits the sale of Bottled Water on such Property.

(c) This Section does not apply to permits for the use of Town Property, including a Town Street, for a Participant Athletic Event if the permit allows the Event sponsor to distribute Bottled Water to participants in the Participant Athletic Event at no cost, and not to any other persons.

(d) All Mobile Food Vendor permits issued or renewed shall specifically provide that the permittee shall not sell or distribute or allow the sale or distribution of Bottled Water as part of the operation of the Facility.

SECTION 8.35.4 BARRING USE OF TOWN FUNDS FOR PURCHASE OF BOTTLED WATER.

(a) No Town officer, department, or agency (collectively, "department") shall use Town Funds to purchase Bottled Water for the department's own general use in offices. A department may use Town Funds to purchase Bottled Water for uses specifically exempted from or allowed under this Section.

(b) Town offices or other facilities shall not dispense drinking water from plastic water bottles of any size where satisfactory alternatives exist and are feasible at the location under consideration. This applies without limitation to vending machines and water coolers.

SECTION 8.35.5 PENALTIES AND ENFORCEMENT

(a) Each permittee as defined above, operating in the Town of Brookline shall comply with this by-law.

(1) If it is determined that a violation has occurred the Director shall issue a warning notice to the permittee for the initial violation.

(2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the permittee.

(3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

A) \$50 for the first offense

B) \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through non-criminal disposition, as set forth in Article of 10.3 of the General By-Laws.

(4) No more than one (1) penalty shall be imposed upon a permittee within a seven (7) calendar day period.

(5) A permittee shall have twenty-one (21) calendar days after the date that a notice of violation is issued to pay the penalty.

SECTION 8.35.6 EXCLUSIONS

The provisions of this by-law shall not apply where the Director finds that relying on Bottled Water is necessary in a given situation to protect the public or occupational health or safety.

SECTION 8.35.7 EFFECTIVE DATE

The provisions of this by-law shall take effect on June 1, 2016

ARTICLE 10.2 PROSECUTIONS AND ENFORCEMENT

The provisions in Parts V, VI, VII and VIII of the by-laws of the Town of Brookline shall be enforced and violations prosecuted by any police officer of the town. In addition, enforcement and prosecution of the following by-laws and articles shall be by the following department head or his or her designees:

<u>DEPARTMENT HEAD</u>		<u>ARTICLE</u>
BUILDING COMMISSIONER		
Part V-Private Property 5.8	Articles	5.2, 5.3, 5.4, 5.6, 5.7,
Part VI-Public Property	Articles	6.1, 6.5, 6.9, 6.10
Part VII-Streets & Ways	Articles	7.3, 7.5, 7.7, 7.8, 7.9
Part Safety Articles	VIII-Public 8.3, 8.6, 8.7,	Health & 8.8, 8.9, 8.11, 8.13, 8.14, 8.15, 8.16,
COMMISSIONER OF PUBLIC WORKS		
Part VI-Public Property	Articles	5.7, 6.1, 6.2, 6.3, 6.4, 6.5, 6.9
Part VII-Streets & Ways	Articles	7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11
Part VIII-Public Health & Safety	Articles	8.2, 8.8, 8.14, 8.15, 8.16, 8.18, 8.24, 8.25, 8.26
DIRECTOR OF HEALTH & HUMAN SERVICES		
Part V-Private Property	Articles	5.1, 5.2, 5.4, 5.5, 5.7
Part VI-Public Property	Articles	6.2, 6.6
Part VII-Streets & Ways	Articles	7.1, 7.5
Part VIII-Public Health & Safety	Articles	8.1, 8.2, 8.3, 8.4, 8.6, 8.7, 8.8, 8.9, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.22, 8.23, 8.32, <u>8.35</u>
PRESERVATION COMMISSION		
Part V-Private Property	Articles	5.3, 5.6

ARTICLE 10.3

NON-CRIMINAL DISPOSITION

A violation of any provision of these by-laws, the violation of which is subject to a specific penalty under Section 10.1 or in the specific provision which has been violated, except when otherwise provided by law, or any rule or regulation of any municipal officer, board or department may be dealt with as a non-criminal offense in accordance with the provisions of General Laws, Chapter 40, section 21d. If not subject to a specific penalty in the following table, each violation shall be subject to a specific penalty of fifty (\$50.00) dollars for each offense, unless a different penalty is provided in the specific by-law, rule or regulation provision being enforced. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense hereunder. Violations of this Article 10.3 may be enforced by any police officer of the town, by the department head or his or her designee as set forth with particular reference to specific articles in Article 10.2, above, and, when a violation involves a rule or regulation of any municipal officer, board or department, by that municipal officer or by that board or the head of that department, by his or her designee, and in all instances, in accordance with the requirements set forth in General Laws, Chapter 40, section 21d.

TABLE OF SPECIFIC PENALTIES UNDER ARTICLE 10.3

Article 5.1	<u>Alarm Systems</u>		
	Section 5.1.9	False Alarms	\$100.00
	Section 5.1.10	Penalties	\$100.00
Article 5.8	<u>Sign By-Law</u>		
	Section 5.8.9	Penalty For Violation	\$100.00
Article 6.2	<u>Alcoholic Beverages On Public Property</u>		
	Section 6.2.2	Penalty	\$100.00
Article 6.3	<u>Grass Borders</u>		\$ 75.00
Article 6.4	<u>Damage To Trees</u>		\$100.00
Article 6.5	<u>Defacing Public Grounds</u>		\$ 75.00

Article 6.6	<u>Discharging Firearms</u>	\$100.00
Article 7.1	<u>Alcoholic Beverages</u>	\$100.00
Article 7.3	<u>Construction In Streets</u>	
	Section 7.3.3 Penalty	\$100.00
Article 7.6	<u>Newsrack Regulation</u>	
	Section 7.6.5 Penalty	\$ 25.00
Article 7.7	<u>Removal Of Snow And Ice From Sidewalks</u>	
	Section 7.7.5 Penalties For Sections 7.7.1 & 7.7.2	\$100.00
	For Section 7.7.3 First Violation	Warning
	Second & Subsequent Violations	\$ 25.00
Article 7.8	<u>Removal Of Vehicles From Streets</u>	\$ 25.00
Article 7.9	<u>Snow Parking Ban</u>	\$100.00
Article 8.3	<u>Dwelling Houses Used In Common</u>	\$100.00
Article 8.5	<u>Disorderly Behavior</u> Section 8.5.5 Specific Penalty	\$100.00
Article 8.6	<u>Dog Control</u>	
	Section 8.6.9 Penalty	
	First Violation	\$ 15.00
	Second & Third Violations	\$ 25.00
	Fourth & Subsequent Violations	\$ 50.00

Article 8.7	<u>Food Stores – Hours Of Operation</u>	\$ 50.00
Article 8.8	<u>Food Establishments Handling Of Refuse</u>	\$100.00
Article 8.9	<u>Toilet Facilities – Restaurants</u>	\$ 50.00

Article 8.23 Tobacco Control

Section 8.23.5
Violations & Penalties

For each violation under Article 8.23 –Three Hundred Dollars (\$300.00).

Article 8.24 Water Supply Emergencies

Section 8.24.6

Penalties

First Violation \$ 50.00

Second & Subsequent
Violations \$100.00

Article 8.25 Water System Backflow And Cross Connections

Section 8.25.6 Enforcement \$100.00

Article 8.26 Stormwater Management

First Violation \$100.00
Second Violation \$200.00
Third and Subsequent
Violations \$300.00

Article 8.35 Water Bottle By-Law

<u>Initial Violation</u>	<u>Warning</u>
<u>First Offense</u>	<u>\$50.00</u>
<u>Second and Subsequent Offenses</u>	<u>\$100.00</u>

HEALTH DEPARTMENT REGULATIONS

Regulations Governing the Handling, Storage,
Collection and Disposal of Waste

1. Violations and Penalties for Owners of Commercial Businesses, Corporations and Buildings Containing More Than Three Dwelling Units

First Violation	\$100.00
Second Violation	\$200.00
<u>Third & Subsequent Violations</u>	<u>\$300.00</u>

2. Violations and Penalties for Owners of Single, Two and Three Unit Dwellings

First Violation	\$20.00
Second Violation	\$35.00
Third & Subsequent Violations	\$50.00

Or act on anything relative thereto.

ARTICLE 15

Submitted by: Department of Planning and Community Development

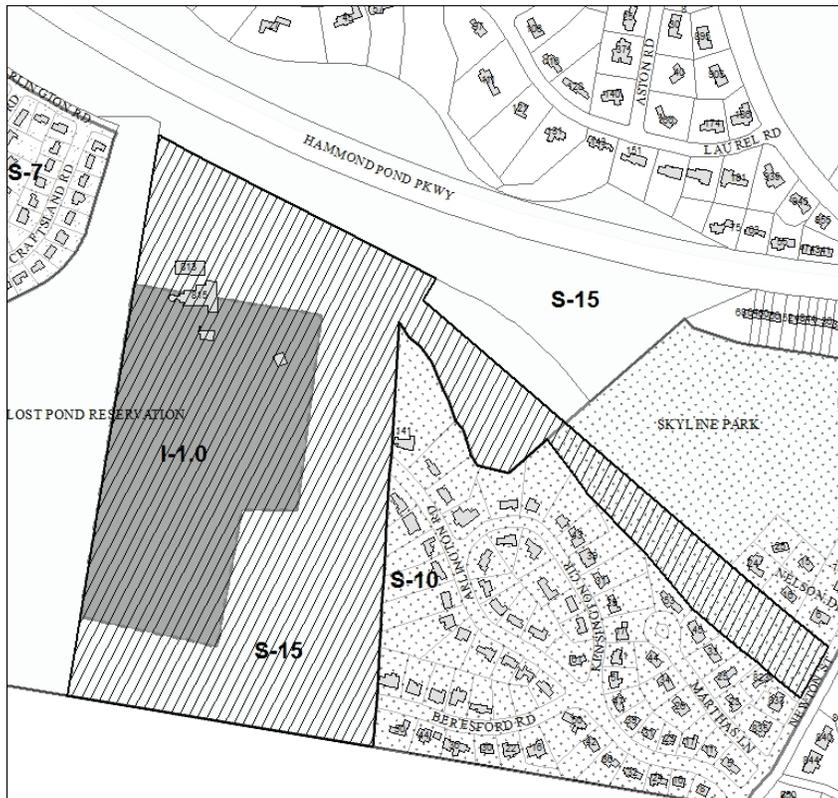
To see if the Town will amend the Zoning Map by extending the Renewable Energy Overlay District (SOL) to include the parcel of land located at 813, 815 and 817 Newton Street, and shown as Parcel 19 in Block 418 on Pages 118A and 118B of the Town's 2010 Assessor's Atlas,

Proposed Expansion of Renewable Energy Overlay (SOL)

Town of Brookline, Mass.
Date: 3/12/2015

Legend

-  Proposed SOL Overlay
-  Buildings
- Existing Zoning**
-  I-1.0
-  S-10
-  S-15
-  S-7



Source: Brookline GIS
Map created by L. Curtis Hayes, Department of Planning & Community Development

or act on anything relative thereto.

ARTICLE 17

Submitted by: Nancy Heller and John F. Sherman

Resolution In Support of Changes to The Affordable Housing Law, Mass G.L. c.40B

TO SEE IF THE TOWN WILL ADOPT THE FOLLOWING RESOLUTION:

Whereas, the Affordable Housing Law, Mass G.L. c. 40B, was enacted in 1969 by the legislature of the Commonwealth of Massachusetts to address the shortage of affordable housing statewide by reducing barriers created by local municipal building permit approval processes, local zoning, and other restrictions with the stated goal to encourage the production of affordable housing; and

Whereas, the stated goal of the Affordable Housing Law is laudable and many seniors and those of reduced means will benefit in many areas of the Commonwealth; and

Whereas, the Town of Brookline now has a population of more than 59,000 and has a high residential density; and

Whereas, the result of the application of Mass G.L. c. 40B in Brookline is to increase residential density even more at a time when public schools and municipal services are already stretched beyond capacity; and

Whereas, the further effect of the application of Mass G.L. c. 40B in Brookline is to reduce precious green and/or open space in a community that has set as a goal the increase of such space; and

Whereas, developers of residential housing are not currently obligated to use environmentally friendly building practices or materials, while our Town values the use of environmentally friendly building practices or materials in efforts to ameliorate the threat of climate change; and

Whereas, the Town of Brookline has, independent of Mass G.L. c. 40B, taken significant and meaningful steps to increase affordable housing in the town and has plans in place to continue to promote such housing;

THEREFORE, be it resolved, that the Town Meeting urges the Town's state representatives and state senator to propose and vote in favor of an amendment to Mass G.L. c. 40B, authorizing local elected officials, in communities that have taken steps to promote affordable housing at a local level, to make binding recommendations regarding density, required parking, effect on green and open spaces, and other project characteristics (including but not limited to requirements for affordable housing for seniors, for environmentally efficient building materials and practices, and for preservation of historic structures) in order to protect existing neighborhoods and businesses from negative impacts on infrastructure and public services, to the local board of appeals when such board of appeals is deciding whether to approve an application for a comprehensive permit to build affordable housing in that locality under Mass. G.L. c. 40B, and

Be it further resolved, that the Board of Selectmen/Town Clerk shall convey this Resolution Article to the Town's state representatives and state senator within two weeks of its adoption,

Or act on anything relative thereto.

ARTICLE 18

Submitted by: Regina Frawley

Resolution: Request the Board of Selectmen to study and consider use of Eminent Domain for two green space buffer zones along Russett and Beverly Roads

To see if the Town will adopt the following Resolution:

Whereas Precinct 16 lacks *any* publicly-accessible Open Space for active recreation within its boundaries, outside of the Baker School which is reserved for school use, and not publicly-accessible when in use by Baker School, and,

Whereas Residents of both Russett Road and Beverly Road were promised by the original owners of Hancock Village that these “buffer zones” zoned as S-7, would be perpetually “green” and undeveloped, and thus most purchased homes with that specific consideration, and,

Whereas, no other Open Space within the precinct can be used for publicly accessible recreational purposes and playground, including the Walnut Hill Cemetery (inappropriate use for recreation), conservation land Hoar Sanctuary, the small open land at Putterham Library (too small for varied typical recreational use) and the Putterham Circle rotary which is unsafe to access, although publicly accessible open space, are not deemed suitable for recreational purposes involving playgrounds or equipment, and,

Whereas, these open spaces are deemed by the Town for “passive” use only, rather than “active” and/or are otherwise restricted for conservation purposes, for example, and,

Whereas, The Open Space “*walkability*” as a valuable function of accessing active recreational space, the Town acknowledges that Precinct 16 appears to be the *only precinct without walkability* to such space within its boundaries, or even within any reasonable or safe walking distance, the nearest space being approximately 1½ miles from the majority of its precinct residents, and regarded as dangerous to access by foot as it crosses major vehicular arteries in all directions, and,

Whereas no other property is available for this active use anywhere in Precinct 16, or will ever be again if this property is not preserved as publicly-accessible recreational Open Space, and thus Precinct 16 will never again have any opportunity to expect such recreational space without restriction, and,

Whereas it is historically used as publicly-accessible Open Space including cross-country skiing this winter, and,

Whereas, in the interests of *equity and fairness*, two principles highly valued by Brookline, to Precinct 16 residents who cannot enjoy reasonable, safe, walkable access to active recreational space as other precincts can and do, and,

Whereas there are indications that the Commonwealth of Massachusetts may assist in the costs of acquisition, if the Town supports the taking, and which possibility should be actively pursued through South Brookline’s State Representative, among others,

Now therefore Be It Resolved: That Town Meeting asks the Board of Selectmen to study, and consider in good faith the taking under the powers of Eminent Domain the two buffer zones presently zoned S-7 within the Hancock Village property, abutting Russett and Beverly Roads for a permanently publicly-accessible active recreational space, and report its findings and recommendations and any possible decision at least two weeks prior to the filing deadline for November 2015 Town Meeting, so as to allow time for a citizen Warrant Article to be filed. Be it further resolved, that the Selectmen will consult with the Commonwealth of Massachusetts for possible funding sources.

Or, act on anything thereto.

ARTICLE 19

Submitted by: Lee Biernbaum

To see if the Town will adopt the following resolution:

Whereas: the Town of Brookline, surrounded on three sides and about 85% of its borders by Boston, was never consulted about hosting the 2024 Olympics before Boston2024's private bid was placed, proposing at least two events within our town;

Whereas: the International Olympic Committee's standard contract language requires host governments to provide a financial guarantee for the Games, regardless of overruns; the Olympics have overrun their initial projected costs in every Olympics from 1960 to 2012, and in any event, the now-projected \$9.1 billion cost should be invested far more productively in our Commonwealth's pressing needs, e.g. education, healthcare, affordable housing, public safety, transportation, etc.; and, besides, preparations for the Olympics will distract public and political attention away from addressing those needs;

Whereas: civic and business leaders' Olympics generosity so far is commendable; but local charities worry about diversion of donations away from their causes; instead, those contributions should more reasonably go -- on an ongoing basis -- to either charities or state and local governments for sorely tax-underfunded services;

Whereas: multiple academic studies show the Olympics and other mega-events do not lead to long-term economic benefits for host communities;

Whereas: Boston 2024's plan does not include any public transit improvements not already planned for by the Commonwealth and would do nothing to fix a system desperately in need of attention and funding;

Whereas: Olympics security requirements put onerous burdens on local residents, and in prior Olympics included measures like anti-aircraft missiles on roofs of apartment buildings; and

Whereas: the Olympics' proposed marathon route through Brookline will likely result in a security cordon cutting residents off from jobs, schools, recreation, etc.; and the overall impact of the Olympics on us would be immeasurable, causing Town Administrator Mel Kleckner to reply when asked by a reporter what would be affected in Brookline if Boston won the bid, *"Everything"-- such as traffic, public safety, and housing -- [and] "It's not possible to envision an Olympics without a regional impact."*

NOW, THEREFORE BE IT RESOLVED:

1. that Brookline's (representative) Town Meeting opposes Boston 2024's Olympics bid; and
2. urges our townwide elected officials, state representatives, and state senator to actively do so.

ARTICLE 20

Reports of Town Officers and Committees

AND YOU ARE DIRECTED TO SERVE THIS WARRANT IN ACCORDANCE WITH THE BY-LAWS OF THE TOWN OF BROOKLINE.

HEREOF FAIL NOT, and make due return of this WARRANT, with your doings thereon, to the Selectmen at least FOURTEEN DAYS before the day of said meeting.

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this 17th day of March, 2015.

BOARD OF SELECTMEN



BY VIRTUE OF THIS WARRANT, I THIS DAY NOTIFIED AND WARNED THE INHABITANTS OF SAID TOWN TO MEET AT THE HIGH SCHOOL AUDITORIUM IN SAID TOWN ON TUESDAY, May 27, 2014 AT 7:00 P.M. BY POSTING TRUE AND ATTESTED COPIES OF THE WITHIN WARRANT IN TEN (10) PUBLIC PLACES. ALL OF THIS WAS DONE AT LEAST FOURTEEN (14) DAYS BEFORE SAID MEETING.

CONSTABLE

DATE

